

RECEIVED
CENTRAL FAX CENTERREMARKS

OCT 05 2006

The present Amendment cancels claim 1 and adds new claims 2-13.

Therefore, the present application has pending claim 2-13.

Applicants note from the Office Action that it appears the Examiner has not considered the December 3, 2003 Information Disclosure Statement which was filed along with the present application. A copy of said December 3, 2003 Information Disclosure Statement is attached. The Examiner is respectfully requested to indicate that the December 3, 2003 Information Disclosure Statement has been considered in the forth coming Office Action.

Claim 1 stands rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of prior U.S. Patent No. 6,693,999 and U.S. Patent No. 6,510,212. As indicated above, claim 1 was canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim 1 stand rejected under 35 USC §102(e) as being anticipated by Silverman (U.S. Patent Application Publication No. 2002/0110228). As indicated above, claim 1 was canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the cancellation of claim 1 was not intended nor should it be considered as an agreement on Applicants part that the features recited in claim 1 are taught or suggested by any of the references of record. The cancellation of claim 1 was simply intended to expedite prosecution of the present application.

As indicated above, the present Amendment adds new claims 2-13.

New claims 2-13 are directed to features not taught or suggested by the claims of the prior patents. New claims 2-13 are directed to remote control of a system by using a terminal equipment, which is apparatus other than a portable telephone. The terminal equipment could, for example, be a portable terminal such as PDA or a TV with browser. Claim 1 of the prior Patent No. 6,693,999 , for example, is directed to a portable telephone as an indispensable constituent element. Claims 2-13 of the present application are not directed to performing remote control using a portable telephone as an indispensable constituent element.

The above described features of the present invention as now more clearly recited in claims 2-13 are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention now more clearly recited in claims 2-13 are not taught or suggested by Silverman whether taken individually or in combination with any of the other references of record. It should be noted that claims 2-13 recite many of the same features recited in claims 2-13 of the prior Patent No. 6,693,999. Thus, the same reasons for allowance of claims 2-13 of the prior Patent No. 6,693,999, apply as well to claims 2-13 of the present application.

Thus, claims 2-13 are allowable over the prior art of record. Therefore, early allowance of the present application based on claims 2-13 is respectfully requested.

In view of the foregoing amendments and remarks, applicants submit that claims 2-13 in condition for allowance. Accordingly, early allowance of claims 2-13 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.40609CX2).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120